

Reply to Notice of Non-Compliant Amendment
Applic, No. 10/523,350

Remarks

This is in reply to the office action of October 6, 2005. The office action indicated that the amendments to the specification previously filed (substitute pages which are the English Translation of the annexes) were not entered for being improper, and the claim amendments previously filed were not entered since they did not represent a complete listing of all the claims and lacked the proper status identifier. As noted below, the amendments to the specification were in fact proper, which, upon entry, makes the correct number of claims 15. The specification and claim amendments are addressed in further detail below.

The notice of non-compliant amendment indicated that the substitute pages containing the English translation of the annexes (the annexes were entered at the international level) were not proper. A review of the file history on the USPTO Pair system as of November 3, 2005 indicated that these substitute pages were not entered. As an initial matter, no notice was provided to the applicants indicating that the substitute pages were not entered. See MPEP 1893.01(a)(3) which provides that if the annexes are not entered, non entry of the annexes is to be indicated on the "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 USC 371 AND 37 CFR 1.495" This was not done in this case and thus applicants only recently learned of this problem.

After a telephone interview on November 3, 2005 between the Legal Instruments Examiner Brenda Murphy and the undersigned, it was determined that the substitute pages 1, 2, 3, 3a, 7, 9, 10, 11, 12, 13, and 13a, which are the English translation of the annexes, were in fact properly presented in accordance with MPEP 1893.01(a)(3). Ms. Murphy agreed to correct the file history so that the substitute pages are in fact entered. Enclosed herewith is a copy of a print out of the file history as shown by the PTO Pair system on November 3, 2005. There were at least two docket entries made on January 28, 2005 which show "Specification - Amendment Not Entered". If these two entries have not already been corrected in view of the interview with Ms. Murphy, correction at this time is requested.

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The claim amendments have been rewritten with new claim identifiers. Accordingly, entry of the amended claims is requested. As further discussed below, the claim amendments herein are directed to the claims as presented in the annexes. After entry of the annexes via the substitute pages, 15 claims remain, not 16 as originally filed. Accordingly, the amendments to the claims submitted herewith are directed to the 15 claims of the annexes.

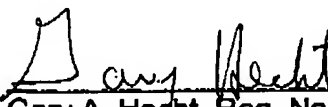
As a further matter, a review of the file history as listed on the pair system indicates other errors. For the date of January 28, 2005, there is an entry for Authorization for Extension of Time for all replies. This appears to be a duplicate entry of a Transmittal letter and does not have anything to do with an extension of time. There appear to be duplicates of other entries as well. It is requested that the file history be corrected as necessary.

CONCLUSION

For the reasons set forth above, the file history should be corrected to indicate that the substitute pages containing the English translation of the annexes has been entered. Furthermore, entry of the claim amendments herein should be entered.

Respectfully submitted,

November 7, 2005
Date



Gary A. Hecht, Reg. No. 36,826
SYNNESTVEDT & LECHNER LLP
1101 Market Street
2600 Aramark Tower
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

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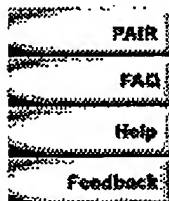
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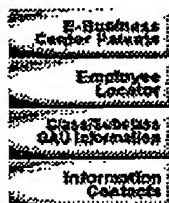


Image File Wrapper for Application No.:10/523,350

NEW

Changes to IFW

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download the desired document(s) and click Download.

Mail Room Date	Document Description	Document Category	Page Count	All
10/06/2005	Notice to the applicant regarding a Non-Compliant Amendment	PROSECUTION	2	<input type="checkbox"/>
10/06/2005	Fee Worksheet (PTO-875)	PROSECUTION	1	<input type="checkbox"/>
10/06/2005	Notice to the applicant regarding a Non-Compliant Amendment	PROSECUTION	2	<input type="checkbox"/>
10/06/2005	Fee Worksheet (PTO-875)	PROSECUTION	1	<input type="checkbox"/>
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01/28/2005	Specification-Amendment Not Entered	PROSECUTION	1	<input type="checkbox"/>
01/28/2005	Authorization for Extension of Time for all replies	PROSECUTION	3	<input type="checkbox"/>

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01/28/2005	Specification-Amendment Not Entered	PROSECUTION	5	<input checked="" type="checkbox"/>
01/28/2005	Foreign Reference	PRIOR ART	13	<input type="checkbox"/>
01/28/2005	Foreign Reference	PRIOR ART	9	<input type="checkbox"/>
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01/28/2005	Claim-Amendment Not Entered	PROSECUTION	6	<input type="checkbox"/>
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